



**CITY COUNCIL
MEETING MINUTES**

August 17, 2009 7:30 PM

I. CALL TO ORDER

A. Flag Salute

Mayor Peter B. Lewis called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Councilmembers present were: Rich Wagner, Sue Singer, Gene Cerino, Nancy Backus, Bill Peloza, Lynn Norman and Virginia Haugen.

Staff members present included: Information Services Director Lorrie Rempher; Senior Planner Chris Andersen; Planning, Building and Community Assistant Director Kevin Snyder; Principal Planner Elizabeth Chamberlain; Planning, Building and Community Director Cindy Baker; City Attorney Daniel B. Heid; Finance Director Shelley Coleman; Deputy Police Chief Bob Lee; Public Works Director Dennis Dowdy; Parks, Arts and Recreation Director Daryl Faber; Human Resources/Risk and Property Management Director Brenda Heineman; and City Clerk Danielle Daskam.

C. Announcements and Appointments

1. Announcements

There was no announcement.

2. Appointments

There was no appointment for Council consideration.

D. Agenda Modifications

Agenda modifications included an addition to the Consent Agenda for approval of Change Order No. 5 related to the R Street SE Utility Improvements, Project No. C504A, and the transmittal of a revised Exhibit A to Resolution No. 4501.

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Amendments to Title 18, Zoning

O3.4.2.1.2

City Council to conduct a hearing on proposed amendments to Title 18 (Zoning) of the Auburn City Code affecting Section 18.26.020 (Permitted Uses) and Section 18.26.030 (Uses Requiring Permit) of the Auburn City Code within the C-1 Light Commercial Zoning District; and Section 18.04 (Definitions of the Auburn) City Code.

Assistant Director of Planning, Building and Community Kevin Snyder presented proposed amendments to City Code which would provide a possible resolution to the current moratorium on the filing of conditional use applications in the C1 Light Commercial Zoning District. Ordinance No. 6253 (later on the agenda) adopts the proposed zoning code changes. The moratorium would be lifted upon the effective date of the ordinance.

Assistant Director Snyder stated that a SEPA Determination of Non-significance was issued for the proposed zoning code changes, and the zoning code changes were reviewed by Council Committees and the Washington Department of Commerce.

Assistant Director Snyder displayed a map (with a hard copy presented to the Council) of properties zoned C1 Light Commercial.

Mayor Lewis opened the public hearing at 7:35.

Nicole Petrino-Salter, 31021 132nd Way SE, Auburn
Ms. Petrino-Salter expressed opposition to the proposed zoning code amendments citing lack of flexibility and the requirement for at least fifty percent commercial in a mixed use multi-family dwelling project. Ms. Petrino-Salter suggested that the demand for commercial space is low. Ms. Petrino-Salter requested a variance from the proposed standards.

Rudolph Terry, 31011 132nd Avenue SE, Auburn
Mr. Terry expressed support for Ms. Petrino-Salter's previous comments. He expressed opposition to the proposed amendments and requested a reduction in the fifty percent commercial requirement for mixed use development.

Karen Campbell, 31049 129th Avenue SE, Auburn
Ms. Campbell expressed opposition to the proposed amendments and requested a reduction in the fifty percent commercial requirement for mixed use development.

Mayor Lewis stressed that the proposed amendments will affect C1 Light Commercial properties city-wide.

Assistant Director Snyder displayed visual examples for proposed C1 related code amendments for mixed use development. Figures 1 and 2 represent two possible scenarios of the vertical example and Figures 3 and 4 represent two possible scenarios of the horizontal or geographically distributed example.

Dwight Hauk, 31110 129th Avenue SE, Auburn
Mr. Hauk expressed opposition to the proposed amendments.

Mayor Lewis closed the hearing at 7:53 p.m.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Marylyn Pedersen, 1917 N Court SE, Auburn
Ms. Pedersen requested that the City provide a more comfortable station for the use of disabled citizens that wish to address the Council during Council meetings. Ms. Pedersen also posed several questions to the Council regarding the City's lease of the Auburn Avenue Theater.

Mark Moser, 1706 35th Street SE, Auburn
Mr. Moser stated that he participated in the initial steering committee for the Auburn International Farmers Market. Mr. Moser applied for the Market's manager position, and believes that he did

not obtain the Market's manager position due to correspondence received by the Auburn Police Department from the Klamath Falls (Oregon) Police Department. Mr. Moser explained that he filed a public record request for a copy of the correspondence, but his request was denied pursuant to RCW 42.56.240.

Thomas Sauers, 607 37th Street SE #87, Auburn

Mr. Sauers stated that he has lived in the area over ten years. He spoke regarding the amount of crime, gang activity, graffiti, and drug activity in his neighborhood. He requested additional police support.

Mayor Lewis advised Mr. Sauer that he visits his neighborhood frequently. Mayor Lewis also advised that police and code enforcement patrol the area frequently. Mayor Lewis suggested that Mr. Sauer coordinate a neighborhood meeting where residents can meet with the Mayor, police, and code enforcement staff to discuss issues of concern.

Mayor Lewis spoke briefly regarding the City's lease of the Auburn Avenue Theater. He stated that the City leased the theater to ensure its continued operation and provide a downtown attraction. Mayor Lewis stated that the City completed structural repairs to the theater as recommended by an engineering report; there was no recommendation to demolish the structure.

C. Correspondence

There was no correspondence for Council review.

III. COUNCIL COMMITTEE REPORTS

A3.7.6

A. Municipal Services

Chair Cerino reported the Municipal Services Committee met August 10, 2009. The Committee approved consent items and the award of a contract for Project No. CP0910, Justice Center Parking Lot Modifications. The Committee discussed Ordinance No. 6254 relating to public safety radio system coverage and the Police Department's license plate reader program. The next regular meeting of the Municipal Services Committee is scheduled for August 24, 2009 at 4:00 p.m.

B. Planning & Community Development

Chair Norman reported the Planning and Community Development Committee met August 10, 2009. The Committee approved

consent items, Ordinance No. 6253 relating to conditional use permits in the C1 Light Commercial Zone, and Resolution No. 4509 expressing the City's interest in cooperating with the City of Tacoma and the Williams Factory Incubator. The Committee also discussed the results of the latest citizens' survey, Ordinance No. 6254 relating to public safety radio system coverage, the multi-family property tax abatement, and population targets. The next regular meeting of the Planning and Community Development Committee is scheduled for August 24, 2009 at 5:00 p.m.

C. Public Works

Chair Wagner reported the Public Works Committee met this afternoon at 3:00. The Committee approved contract administration items including an amendment to a consultant agreement for engineering services related to Project No. CP0817, the 2009 Sewer and Storm Pump Station Replacement Project. The Committee approved Ordinance No. 6238 relating to underground wiring and Ordinance No. 6259 amending Ordinance No. 6219 to extend the effective date of zoning and Comprehensive Plan changes for the Robertson properties (Auburn Gateway). The Committee discussed Ordinance No. 6253, Resolution No. 4513, safe walking routes for students, the Comprehensive Sewer Plan, the Comprehensive Stormwater Drainage Plan, the Transportation Plan update, and design standards. The next regular meeting of the Public Works Committee is scheduled for September 8, 2009 at 3:00 p.m.

D. Finance

Chair Backus reported the Finance Committee met this evening at 6:30 p.m. The Committee approved consent items including claims and payroll vouchers, Ordinance No. 6255 which is a housekeeping ordinance removing the Fire Department from petty cash funds, Resolution No. 4501 approving an application to the U.S. Economic Development Administration, and Resolution No. 4513 declaring surplus property. The Committee also discussed Ordinance Nos. 6257, 6253 and 6259; Resolution Nos. 4509 and 4510; and quarterly investment reports. The next regular meeting of the Finance Committee is scheduled for September 8, 2009 at 6:30 p.m.

E. Community Center

Chair Wagner reported the Community Center has not met since the last Council meeting.

F. Downtown Redevelopment

Chair Norman reported that the next Downtown Redevelopment Committee meeting is scheduled for August 25, 2009 at 4:00 p.m.

IV. REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.

A. From the Council

Deputy Mayor Singer thanked the members of the Good Ol' Days Committee for a successful Good Ol' Days celebration. Deputy Mayor Singer attended the groundbreaking ceremony for the new SCORE (South Correctional Entity) facility. Deputy Mayor Singer stated that she and Councilmember Wagner have continued their work on Project ASCENT (Auburn Scientific Center for Emerging New Technologies), including meetings with Washington State University representatives, Puget Sound Regional Council staff, Mithun Architecture representatives, and Green River Community College representatives.

Councilmember Pelosa reported on his attendance at the SCORE groundbreaking ceremony in Des Moines. Councilmember Pelosa also reported on his attendance at the King Conservation District monthly meeting. He noted that the City's Mill Creek Project received \$180,000 in funding from the King Conservation District to enhance fish and correct drainage issues in the Mill Creek area. Councilmember Pelosa also attended the Water Resource Inventory Area (WRIA 9) Watershed Ecosystem Forum (WEF) where the main topic of discussion was next year's interlocal agreement for the watershed alliance. Councilmember Pelosa reminded that the Auburn International Farmers Market is held every Sunday through September 27, 2009.

B. From the Mayor

Mayor Lewis commented on his attendance at the SCORE groundbreaking ceremony and the need for Auburn and the other participating cities to provide a facility for misdemeanor offenders. Mayor Lewis also reported that the State Auditor's Office completed its annual audit of the City, and for the fifth year in succession, the City has received a clean audit. Mayor Lewis also briefly reported on recent events in the City including the YMCA swap meet, a neighborhood barbeque that was part of the National Night Out program, and the Good Ol' Days celebration.

V. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes

- 1. Minutes of the August 3, 2009 regular City Council meeting.**

B. Vouchers

F4.9.2, F4.9.5

1. Claims

Claims check numbers 387852 through 388198 in the amount of \$2,068,772.11 and one wire transfer in the amount of \$4,904.00 and dated August 17, 2009.

2. Payroll

Payroll check numbers 527071 to 527170 in the amount of \$790,524.81 and electronic deposit transmissions in the amount of \$1,161,439.50 for a grand total of \$1,951,964.31 for the pay period covering July 30, 2009 to August 12, 2009.

C. Contract Administration

1. Consultant Agreement No. AG-C-350

A3.16.9, O4.8.1 CP0817

City Council to approve Amendment No. 1 to Consultant Agreement No. AG-C-350 with Parametrix, Inc. for engineering services on Project No. CP0817, 2009 Sewer and Storm Pump Station Replacement Project

2. Public Works Project No. CP0910

O4.4.12

City Council award Small Works Contract 09-11, Project Number CP0910, Justice Center Parking Lot Modifications, to Superior Asphalt on their low bid of \$36,922.86 plus Washington State sales tax of \$3,507.67 for a total contract price of \$40,430.53.

3. Public Works Project No. C504A

O4.6.3 C504A

City Council approve Change Order No. 5 in the amount of \$608,545 to Contract 05-17 with Interwest Development for work on Project C504A, R Street SE Utility Improvements

Deputy Mayor Singer moved and Councilmember Wagner seconded to approve the Consent Agenda as modified.

Councilmember Haugen expressed opposition to Public Works Project No. CP0910.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

VI. UNFINISHED BUSINESS

There was no unfinished business.

VII. NEW BUSINESS

There was no new business.

VIII. ORDINANCES AND RESOLUTIONS

A. Ordinances

1. Ordinance No. 6238

O3.10.9

An Ordinance of the City Council of the City of Auburn, Washington, repealing Chapter 13.32 of the Auburn City Code; adopting a new Chapter 13.32A of the Auburn City Code; and amending Sections 13.36.090, 13.36.110 and 13.36.130 of the Auburn City Code, all relating to underground wiring

Councilmember Wagner moved and Councilmember Cerino seconded to introduce and adopt Ordinance No. 6238.

MOTION CARRIED UNANIMOUSLY. 7-0

2. Ordinance No. 6253

O3.4.2.1.2

An Ordinance of the City Council of the City of Auburn, Washington, amending Chapter 18.26, of the Auburn City Code and creating a new Section 18.04.625 of the Auburn City Code, relating to zoning

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6253.

MOTION CARRIED. 5-2. Councilmembers Cerino and Haugen voted no.

3. Ordinance No. 6255

F4.11

An Ordinance of the City Council of the City of Auburn, Washington, amending Auburn City Code Section 3.04.610 of the Auburn City Code relating to petty cash funds

Councilmember Backus moved and Councilmember Peloza seconded to introduce and adopt Ordinance No. 6255.

MOTION CARRIED UNANIMOUSLY. 7-0.

4. Ordinance No. 6257

F6.6.9

An Ordinance of the City of Auburn, Washington, amending Chapter 3.94 of the Auburn City Code relating to multi-family property tax exemption

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6257.

Deputy Mayor Singer inquired whether the City is required to accept both the eight year and twelve year tax exemption. City Attorney Heid advised that the statute provides for both.

Deputy Mayor Singer objected to Ordinance No. 6257 and extending tax incentives for additional affordable housing. She suggested encouraging more market rate housing in downtown Auburn.

Principal Planner Chamberlain noted that affordable housing is defined as within the means of low or moderate-income households. The Auburn area is considered a high cost area where the price of housing is equal to or greater than one hundred thirty percent of the statewide median house price.

Councilmember Wagner stated that he is not in favor of encouraging affordable housing in the downtown area, but the change is needed to encourage moderate-income housing.

Councilmember Cerino pointed out that affordable housing should not be considered Section 8 housing.

Deputy Mayor Singer noted that the ordinance allows a minimum of twenty percent affordable housing which would not prevent a developer from building one hundred percent affordable housing.

Councilmember Pelozo agreed with Councilmember Wagner's comments.

Councilmember Backus reminded that the minimum investment per unit is \$200,000.

MOTION CARRIED. 5-2. Councilmembers Haugen and Singer voted no.

5. Ordinance No. 6259

O3.4.1.25

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6219 to extend the effective date

Councilmember Wagner moved and Councilmember Cerino seconded to introduce and adopt Ordinance No. 6259.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolutions

1. Resolution No. 4501

F5.4.12

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to submit an application to the U.S. Economic Development Administration for a Public Works and Economic Development Grant

Councilmember Backus moved and Councilmember Pelozo seconded to adopt Resolution No. 4501.

MOTION CARRIED UNANIMOUSLY. 7-0.

2. Resolution No. 4509

O5.1.2, O3.7.4

A Resolution of the City Council of the City of Auburn, Washington, declaring its intention to cooperate with the City of Tacoma through the William Factory Incubator

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Resolution No. 4509.

Councilmember Singer spoke in favor of Resolution No. 4509.

MOTION CARRIED UNANIMOUSLY. 7-0.

3. Resolution No. 4513

F4.6.1

A Resolution of the City Council of the City of Auburn, Washington, declaring certain items of property as surplus and authorizing their disposal

Councilmember Backus moved and Councilmember Peloza seconded to introduce and adopt Resolution No. 4513.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

IX. EXECUTIVE SESSION

At 8:56 p.m., Mayor Lewis recessed the meeting for a five minute intermission and then to executive session for fifteen minutes for the purpose of discussing acquisition of property pursuant to RCW 42.30.110(1)(c). Staff members required for the executive session included City Attorney Heid, Finance Director Coleman, and Human Resources/Property and Risk Management Director Heineman.

Councilmember Norman left the meeting at the beginning of the Executive Session due to illness.

Mayor Lewis reconvened the meeting at 9:20 p.m.

City Attorney Heid read the title of Resolution No. 4514:

Resolution No. 4514

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute contract for purchase and sale between the City of Auburn and Andrey and Nadya Ivantsov for real property

Councilmember Backus moved and Councilmember Pelosa seconded to adopt Resolution No. 4514.

MOTION CARRIED. 5-1. Councilmember Haugen voted no.

X. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:21 p.m.

APPROVED THE _____ DAY OF SEPTEMBER, 2009.

Peter B. Lewis, Mayor

Danielle Daskam, City Clerk

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